IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5823 of 2007()

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CMP.4183/2007 of J.M.F.C.,THIRUVALLA
CRIME NO.59/07 OF THIRUVALLA EXCISE RANGE

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: PETITIONER/ACCUSED IN CRIME NO.59/2007:

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PRASANNAN, S/O. RAGHAVAN,
CHENAMOHIRA HOUSE, NARANGANAM MURI,
NARANGANAM VILLAGE, KOZHENCHERRY TALUK.

BY ADV. SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN CRIME NO.59/2007:

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STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.5823 of 2007**

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**Dated this the 26th day of September, 2007**

**ORDER**

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to transport 140 litres of spirit in a car on 20.08.07. He was arrested and continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He, who has been remaining in custody from 20.08.07, may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor concedes that the petitioner is not shown to have any criminal antecedents. But, considering the nature of the contraband article, its quantity and the magnitude of the operation, the State is obliged to oppose the application for regular bail, submits the learned Public Prosecutor .

4. I have considered all the relevant inputs. In the wake of opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala

Abkari Act. At present and with the available inputs, I must say that I am unable to entertain either of those two satisfactions. I find merit in the opposition of the learned Public Prosecutor. In a case like this investigator is certainly entitled to reasonable further time to complete the investigation.

5. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 10.10.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

**(R.BASANT, JUDGE)**

rtr/-